

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 JEFFREY M. PHILLIPS
Deputy Attorney General
4 State Bar No. 154990
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-6292
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2013-75**

12 **LYNDA IRENE QUALLS**
13 **aka LYNDA IRENE KEARNEY**
14 **1740 S. Manzanita**
Visalia, CA 93292

A C C U S A T I O N

15 **Registered Nurse License No. 404100**

16 Respondent.

17
18 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Interim
21 Executive Officer of the Board of Registered Nursing ("Board").

22 2. On or about August 31, 1986, the Board issued Registered Nurse License Number
23 404100 to Lynda Irene Qualls, also known as Lynda Irene Kearney ("Respondent"). The license
24 will expire on March 31, 2014, unless renewed.

25 **JURISDICTION**

26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
27 the Board may discipline any licensee, including a licensee holding a temporary or an inactive

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1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811(b), the Board
6 may renew an expired license at any time within eight years after the expiration.

7 STATUTORY PROVISIONS

8 5. Code section 2761(a) states, in pertinent part, that the board may take disciplinary
9 action against a certified or licensed nurse or deny an application for a certificate or license for
10 unprofessional conduct.

11 6. Code section 2762 states, in pertinent part:

12 In addition to other acts constituting unprofessional conduct within the meaning of this
13 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
14 chapter to do the following:

15 (e) Falsify, or make grossly incorrect, grossly inconsistent, or unintelligible entries in any
16 hospital, patient, or other record pertaining to the substances described in subdivision (a) of this
17 section.

18 COST RECOVERY

19 7. Code section 125.3 provides, in pertinent part, that the Board may request the
20 administrative law judge to direct a licensee found to have committed a violation or violations of
21 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
22 enforcement of the case.

23 DRUGS

24 8. "Norco" is a compound consisting of 10 mg. hydrocodone bitartrate, also known as
25 dihydrocodeinone, a Schedule III controlled substance as designated by Health and Safety Code
26 section 11056(e)(4), and 325 mg. acetaminophen per tablet.

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1 9. "Vicodin" is a compound consisting of 5 mg. hydrocodone bitartrate, also known as
2 dihydrocodeinone, a Schedule III controlled substance as designated by Health and Safety Code
3 section 11056(e)(4), and 500 mg. acetaminophen per tablet.

4 **FIRST CAUSE FOR DISCIPLINE**

5 **(Falsified, Made Incorrect or Inconsistent Entries In Hospital or Patient Records)**

6 10. Respondent is subject to discipline under Code section 2761(a), on the grounds of
7 unprofessional conduct as defined in Code section 2762(e), in that between February 2, 2009, and
8 April 25, 2009, while employed as a registered nurse at Kaweah Delta Medical Center, located in
9 Visalia, California, Respondent falsified, made grossly incorrect, grossly inconsistent, or
10 unintelligible entries in hospital or patient records in the following respects:

11 **Patient C:**

12 a. On or about February 14, 2009, at 2308 hours, Respondent signed out one (1)
13 Vicodin tablet, but failed to account for the disposition of the Vicodin in any hospital or patient
14 record.

15 b. On or about February 15, 2009, at 1847 hours, Respondent signed out two (2)
16 Vicodin tablets, but failed to account for the disposition of the Vicodin in any hospital or patient
17 record.

18 c. On or about February 15, 2009, at 2123 hours, Respondent signed out one (1)
19 Vicodin tablet, but failed to account for the disposition of the Vicodin in any hospital or patient
20 record.

21 d. On or about February 15, 2009, at 2255 hours, Respondent signed out two (2)
22 Vicodin tablets. Respondent restocked one Vicodin tablet at 2257 hours, but failed to account for
23 the disposition of the remaining Vicodin tablet in any hospital or patient record.

24 e. On or about March 2, 2009, at 2231 hours, Respondent signed out two (2) Vicodin
25 tablets, but failed to account for the disposition of the Vicodin in any hospital or patient record.

26 f. On or about March 5, 2009, at 2250 hours, Respondent signed out one (1) Norco
27 tablet, but failed to account for the disposition of the Norco in any hospital or patient record.

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1 g. On or about March 6, 2009, at 1908 hours, Respondent signed out two (2) Vicodin
2 tablets, but failed to account for the disposition of the Vicodin in any hospital or patient record.

3 i. On or about March 17, 2009, at 2159 hours, Respondent signed out one (1) Norco
4 tablet, but failed to account for the disposition of the Norco in any hospital or patient record.

5 j. On or about March 18, 2009, at 2155 hours, Respondent signed out one (1) Norco
6 tablet, but failed to account for the disposition of the Norco in any hospital or patient record.

7 k. On or about March 28, 2009, at 1849 hours, Respondent signed out one (1) Norco
8 tablet, but failed to account for the disposition of the Norco in any hospital or patient record.

9 l. On or about March 29, 2009, at 1855 hours, Respondent signed out one (1) Norco
10 tablet, but failed to account for the disposition of the Norco in any hospital or patient record.

11 m. On or about April 8, 2009, at 1914 hours, Respondent signed out one (1) Norco
12 tablet, but failed to account for the disposition of the Norco in any hospital or patient record.

13 n. On or about April 9, 2009, at 2226 hours, Respondent signed out one (1) Norco
14 tablet, but failed to account for the disposition of the Norco in any hospital or patient record.

15 **PATIENT I:**

16 o. On or about February 2, 2009, at 0038 hours, Respondent signed out two (2) Vicodin
17 tablets, but failed to account for the disposition of the Vicodin in any hospital or patient record.

18 p. On or about February 9, 2009, at 0010 hours, Respondent signed out two (2) Vicodin
19 tablets, but failed to account for the disposition of the Vicodin in any hospital or patient record.

20 q. On or about April 25, 2009, at 2039 hours, Respondent signed out one (1) Vicodin
21 tablet, but failed to account for the disposition of the Vicodin in any hospital or patient record.

22 **PATIENT K:**

23 r. On or about February 15, 2009, at 0003 hours, Respondent signed out two (2)
24 Vicodin tablets, but failed to account for the disposition of the Vicodin in any hospital or patient
25 record.

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1 s. On or about February 15, 2009, at 1850 hours, Respondent signed out two (2)
2 Vicodin tablets, but failed to account for the disposition of the Vicodin in any hospital or patient
3 record.

4 **PATIENT Q:**

5 t. On or about February 8, 2009, at 0027 hours, Respondent signed out one (1) Norco
6 tablet, but failed to account for the disposition of the Norco in any hospital or patient record.

7 u. On or about February 8, 2009, at 2123 hours, Respondent signed out one (1) Norco
8 tablet, but failed to account for the disposition of the Norco in any hospital or patient record.

9 **PATIENT Y:**

10 v. On or about March 7, 2009, at 0242 hours, Respondent signed out two (2) Vicodin
11 tablets, but failed to account for the disposition of the Vicodin in any hospital or patient record.

12 w. On or about March 8, 2009, at 2347 hours, Respondent signed out two (2) Vicodin
13 tablets, but failed to account for the disposition of the Vicodin in any hospital or patient record.

14 x. On or about March 16, 2009, at 0415 hours, Respondent signed out two (2) Vicodin
15 tablets, but failed to account for the disposition of the Vicodin in any hospital or patient record.

16 y. On or about March 17, 2009, at 0151 hours, Respondent signed out two (2) Vicodin
17 tablets, but failed to account for the disposition of the Vicodin in any hospital or patient record.

18 **PATIENT AB:**

19 z. On or about March 11, 2009, at 0033 hours, Respondent signed out one (1) Vicodin
20 tablet, but failed to account for the disposition of the Vicodin in any hospital or patient record.

21 aa. On or about March 16, 2009, at 2318 hours, Respondent signed out two (2) Vicodin
22 tablets, but failed to account for the disposition of the Vicodin in any hospital or patient record.

23 **PATIENT AD:**

24 bb. On or about March 19, 2009, at 0102 hours, Respondent signed out two (2) Vicodin
25 tablet, but failed to account for the disposition of the Vicodin in any hospital or patient record.

26 cc. On or about March 22, 2009, at 1926 hours, Respondent signed out two (2) Vicodin
27 tablets, but failed to account for the disposition of the Vicodin in any hospital or patient
28 record.

1 dd. On or about March 22, 2009, at 2332 hours, Respondent signed out two (2) Vicodin
2 tablets, but failed to account for the disposition of the Vicodin in any hospital or patient record.

3 ee. On or about March 27, 2009, at 1956 hours, Respondent signed out two (2) Vicodin
4 tablets, but failed to account for the disposition of the Vicodin in any hospital or patient record.

5 **PATIENT D:**

6 ff. On or about April 15, 2009, at 2217 hours, Respondent signed out one (1) Vicodin
7 tablet, but failed to account for the disposition of the Vicodin in any hospital or patient record.

8 **PRAYER**

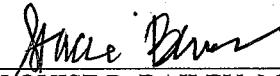
9 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Revoking or suspending Registered Nurse License Number 404100, issued to Lynda
12 Irene Qualls, also known as Lynda Irene Kearney;

13 2. Ordering Lynda Irene Qualls, also known as Lynda Irene Kearney to pay the Board of
14 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
15 pursuant to Business and Professions Code section 125.3; and,

16 3. Taking such other and further action as deemed necessary and proper.

17 DATED: 7/24/2012

18 *for* 
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
State of California
Complainant

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